

Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall

## NOT VOTING—12

Burgess  
Case  
Castle  
Evans

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

## □ 1432

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MILITARY COMMISSIONS ACT OF 2006

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the vote on passage of the Senate bill, S. 3930, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 170, not voting 12, as follows:

[Roll No. 508]

## YEAS—250

Aderholt  
Akin  
Alexander  
Andrews  
Bachus  
Baker  
Barrett (SC)  
Barrow  
Barton (TX)  
Bass  
Bean  
Beauprez  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren

Boswell  
Boustany  
Boyd  
Bradley (NH)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Chabot  
Chandler  
Chocola  
Coble  
Cole (OK)  
Conaway  
Cramer  
Crenshaw

Spratt  
Stark  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

Ney  
Strickland  
Thompson (MS)  
Wilson (SC)

Forbes  
Ford  
Fortenberry  
Fossella  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Herse  
Higgins  
Hobson  
Hoekstra  
Holden  
Hostettler  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Issa  
Istook  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood

Abercrombie  
Ackerman  
Allen  
Baca  
Baird  
Baldwin  
Bartlett (MD)  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Boucher  
Brady (PA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costa  
Costello  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt

Latham  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
Matheson  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore (KS)  
Murphy  
Muggrave  
Myrick  
Neugebauer  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Otter  
Oxley  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi

## NAYS—170

DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Emanuel  
Engel  
Eshoo  
Farr  
Filner  
Frank (MA)  
Gilchrest  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hinchey  
Hinojosa  
Holt  
Honda  
Hooley  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee

Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pelosi  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rothman  
Roybal-Allard  
Ruppersberger

## NOT VOTING—12

Burgess  
Case  
Castle  
Evans

## □ 1447

So the Senate bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MELANCON. Mr. Speaker, during roll-call vote No. 508 on S. 3930, I mistakenly recorded my vote as “nay” when I should have voted “yea”. I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 508.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109-703) on the resolution (H. Res. 1062) waiving points of order against the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 5441.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution

1054, I call up the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to be here today for the consideration of the fiscal 2007 conference agreement for the Department of Homeland Security.

Mr. Speaker, I bring good news for all Americans who want to see our borders are secure from those who are crashing those borders. We are ending the age-old catch-and-release program that has allowed millions of illegal aliens to flood our country. You will hear more about that during this debate today, I hope.

The recent anniversaries of the 9/11 attacks and the 2005 hurricane disasters keep us focused on why we are here today: to protect our citizens and our homeland from any threat to our society and our economy, be it terrorism or natural catastrophe. The funding in this conference agreement ensures the Department of Homeland Security can address the perils that face our communities and reduce our vulnerability to them.

The fiscal 2007 conference agreement provides a total of \$34.8 billion for the Department, including an additional \$1.8 billion in emergency funds devoted to border security. The total provided is \$2.3 billion above the current year and \$2.7 billion above what the President asked us for, when you exclude disaster relief funding for Katrina.

This includes more than \$21.3 billion for border security and immigration enforcement; \$4.34 billion for port, container, and cargo security; \$3.4 billion for first responders across the country; \$6.4 billion for transportation security; \$1.4 billion for research, development, and deployment of innovative technologies; and \$1.8 billion to protect national and critical infrastructure.

Five years ago our Nation suffered its most devastating terrorist attack. Since that tragic day, a vigorous national debate over our vulnerabilities, fueled by historic levels of illegal immigration, has resulted in one very clear conclusion: we must do all we can to gain control over our borders and our coastlines to preserve the sovereignty and integrity of our immigration and preserve the strength of our economy.

This conference agreement will provide the resources and direction to build upon the Department's progress and transform our approach to border security from a fragmented, uncoordinated effort into a truly integrated system capable of producing results.

This includes a staggering \$1.2 billion to secure the borders with a system of fencing, a system of infrastructure, a system of technology, 1,500 new Border Patrol agents, 6,700 new additional detention bed space for those caught, 650 additional CBP officers, and over \$1.7 billion for the procurement of aircraft and vessels to patrol those borders. This massive infusion of moneys will accelerate the Department's goal of obtaining operational control of these borders in less than 5 years, a goal that has become an unquestioned necessity since 9/11.

I want to emphasize that with all these resources we are pouring into this effort will come accountability. We are requiring bi-monthly status reports on the Department's performance and their expenditure of funds on border security. We want to know what is happening every 2 weeks. We are withholding \$950 million until the Department provides a detailed border security expenditure plan. They won't get the money until we see the plan. I believe in planning your work and working your plan.

And we are requiring, in bill language, strategic plans for the Secure Border Initiative and port and cargo security. We are absolutely committed to holding the Department accountable and providing the American people with the results that they are demanding of us.

In addition to border security and immigration enforcement, the conference report balances resources across other critical areas of homeland security including:

One, almost \$900 million to prevent weapons of mass destruction from entering the country. These funds will enable DHS to speed the deployment of radiation detectors and significantly enhance screening for vehicles and cargo.

Two, \$2.5 billion to fund and reform FEMA. The funding and direction contained in the conference agreement will ensure that we do not repeat the errors of 2005, by putting in place the planning, assessment, training, logistics, and communications to enable DHS to prepare for and respond to acts of terrorism and natural disasters.

Three, \$6.4 billion for transportation security. The recent disruption of the terrorist plot in London reminds us that transportation security remains a top priority. This report includes critical resources for new cutting-edge technologies to strengthen protection from all modes of travel as well as to increase the capabilities of the Federal air marshals. While we are much safer than 5 years ago, we must sustain that effort to anticipate and defeat threats to our transportation system.

In addition to these significant levels of funding, the conference agreement includes several legislative provisions that will fortify our homeland security, including legislation to criminalize for the first time the construction or financing of a tunnel across or under the U.S. border; two, legislation that significantly strengthens and improves FEMA, a whole new authorizing law; and, thirdly, breakthrough legislation requiring the Department of Homeland Security to regulate security at chemical facilities across the land.

Our homeland security needs are both numerous and they are complex, but I believe this conference report will make a major contribution towards those needs. So I urge my colleagues to support the agreement.

Before I sit down this time, Mr. Speaker, I want to pay special tribute to our staff on both sides of the aisle who have worked long, hard, and laboriously over these last several months. I want to especially thank Michelle Mrdeza, who could not be with us in these final days because of an illness in her family which required her to be absent. But she is retiring from this body. She has been a great servant of the public on this committee for a number of years. Her service has been invaluable and expert, and we will miss her terribly. I want to thank Stephanie Gupta too and the staff of the subcommittee and staff on both sides of the aisle for the great work that they have done.

And, finally, I want to say a word about MARTY SABO, ranking member of this subcommittee, who will be finishing 27 years of service in this body and to the Nation when he leaves office in January seeking greener pastures. This man is a personal friend of mine and all of ours, but he is also an expert on budgetary matters and has become an expert on the homeland security efforts of the country. A huge void will exist on the horizon of this body when MARTY SABO leaves this body.

□ 1500

I cannot say enough in tribute to this man. He has been a helpmate to me and the subcommittee and the country on this bill for a number of years now, as well as before that we served in the same capacities on the Transportation Subcommittee; and of course, as you know, he was chairman of the Budget Committee for a number of years sometime past.

A great public servant whose work is now soon to be finished in this body, but I am confident that his record will stand for the ages. Very few Members of Congress can retire from this body with a greater sense of accomplishment of greatness than our friend, MARTY SABO. The gentleman will be missed in this body.

TRIBUTE TO BRETT DREYER

Mr. Speaker, the Homeland Security Appropriations Subcommittee will soon take leave from our Congressional Fellow, Brett Dreyer,

who, after having served the Committee with great distinction over the past 2 years, will assume new responsibilities as a senior Special Agent for U.S. Immigration and Customs Enforcement (ICE).

Special Agent Dreyer's professional career mirrors some of the transitions of the young Department of Homeland Security. He began his Federal service in Newark, New Jersey as an immigration enforcement agent with the Immigration and Naturalization Service; moved up to become a Criminal Investigator at INS; and then transferred to the U.S. Customs Service. On 9/11, Agent Dreyer helped secure airports as the security situation was resolved, and was at Ground Zero in New York, searching the rubble for remains of victims of that terrible attack. After DHS was established he found himself an ICE Special Agent, where he witnessed the trials and tribulations of the agency merger that was repeated throughout the Department.

Brett came to the Subcommittee in January 2005, and at once proved himself a key member of the professional staff. His critical judgment, familiarity with agency matters, and expertise on Customs and Immigration law and regulation made him integral to the operations of the Committee during the extraordinary developments over the past 2 years, in particular the response to the 2005 hurricanes and the intensified effort to secure our borders and strengthen administration of immigration law. His strong understanding of organizational dynamics, of operational issues and real-world, real-time considerations for building a successful new department contributed significantly to the success of this subcommittee. Brett brought to the appropriations process the clear, thoughtful analysis and mature judgment developed in his successful career in criminal investigation. Throughout his service here, Brett's unqualified professionalism, perceptiveness, great sense of humor and cool head have helped this Subcommittee and the Congress move forward on a wide range of policy and budgetary issues. His assistance in planning and coordinating complicated subcommittee oversight trips were of particular benefit, and in coordinating the many classified briefings our oversight requires.

Special Agent Dreyer has served me, this Subcommittee, and the House well: We are sorry to see him leave, and will miss him as a colleague and as a friend. Each of us on the Homeland Security Subcommittee wish Brett all the best as he resumes his ICE career, where we look forward to seeing him accomplish great things.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply like to follow up on the remarks of the gentleman from Kentucky about the gentleman from Minnesota.

I remember when MARTIN SABO first walked into this institution in 1978. He and his wife, Sylvia, epitomize more than any people I know what are regarded as midwestern values, most especially the value of modesty. You will never find MARTIN SABO bragging much on himself. In that sense, he is a true Norwegian. I also think that he exemplifies the thoughtfulness and the car-

ing for one's neighbor that people in the Midwest have come to take as being the natural course of things.

He is probably the closest friend I have in this body. I very much regret to see him leave. I question his judgment profoundly on that.

As the gentleman from Kentucky has said, while today the gentleman from Minnesota deals with homeland security issues and is certainly an expert on those, in the past he has dealt with transportation issues most ably. As a matter of fact, there is no one in this body who has made a greater contribution to the cause of responsible budgeting and deficit reduction over the years than has the gentleman from Minnesota. He chaired the Budget Committee when we took the action under President Clinton that finally began to get the budget deficit under control.

I just want to profoundly express my appreciation to him, not just for his accomplishments but for the way he has achieved those accomplishments, for the way he has dealt with the needs of this body as an institution, for the respect that he has shown for the values and the traditions of this institution and the respect that he has shown for persons on both sides of the aisle.

He is truly a gentleman. He is a great legislator. I hate to see him go. I hope he is back to visit us often. I thank the gentleman profoundly for the quality of his service.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, I want to join the chairman and our ranking member in paying tribute to MARTIN SABO, whom I also consider a dear friend and one of this institution's finest Members.

MARTIN has served here for 28 years. He was the chairman of the Budget Committee when Congress passed the largest deficit reduction package in its history. He served as our ranking member on Transportation Appropriations and on Homeland Security Appropriations ever since that subcommittee was formed.

MARTIN is an exemplary Member of this body in every way. He is a skilled legislator who is more interested in achieving results than in claiming credit. He is a gifted politician with a knack for finding common ground. He is a man who understands and loves this institution. He is a congenial colleague and he is a good friend, displaying qualities of character that in the end matter above all.

So we will miss MARTIN SABO. We salute him for his service to Minnesota and to this country, service that is indeed exemplary and has inspired and encouraged us all.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, well, I am not sure I should say anything. But thank you to my chairman, Mr. ROGERS, for his kind

comments. We have been together, I think, 6 years now, 4 years on homeland security, 2 years on transportation.

As I said last night in front of the Rules Committee, the ultimate compliment I can give to somebody is to call them a pro; and Hal Rogers is a pro. It has been a pleasure to serve with him. He is on the majority party. He has a responsibility to the President of his own party.

At the time, he is someone who has asked many a tough question and asked for discipline and, as he said in his opening comments, that he expects to continue to do oversight of the operations of this agency which has had many, many growing pains. It has not been an easy committee to chair as we merged all of these 22 agencies into one, with an incredible amount of chaos; and he has shown, I think, an intellect and toughness and fairness in trying to steer this agency in the right direction. It has been a privilege to work with Chairman ROGERS.

My friend, DAVE OBEY, who I have known, and known him for many years before I came to the Congress, neighbor across the border in Wisconsin, I have served with him on Appropriations for 28 years, both a personal friend and somebody who has an absolute passion for public policy and for making this institution work.

It has been a real honor, DAVE, to get to know you and Joan and to work with you. You are just a great human being.

And to DAVE PRICE who served with me on the Budget Committee, I am often asked, why do you leave? And, you know, particularly if the partisan nature changes and the opportunity to chair a subcommittee. And I always say, I have no reluctance in doing that because I know the next person in line is DAVE PRICE, who is a person who has great skill as a legislator and great understanding of public policy. And I think he will do a great job, as he has done in many other roles, whatever the role might be, as either a Chair or ranking member of the subcommittee in 2 years. So it is an honor to have your kind words today.

And to the staff, to all of the majority staff, Michelle, who is not here because of a family crisis and who is leaving the House and has done an incredible job, but all of the majority staff have been great to work with.

I suppose a special word to Stephanie. She followed us from Transportation to Homeland Security. So I have had an opportunity to work with her in both roles.

To our own personal staff on this committee, to Chris, who has worked with us, and Bev Pheto, who sits right here next to me, who has worked with us, me personally on this committee, over the last 6 years, 2 years in Transportation, 4 years in Homeland Security, who I am constantly amazed at her knowledge and her energy. She has

to compete with all of you on the majority side and has remarkable knowledge and ability. It utterly amazes me. And she is a remarkable person.

Marjorie Duske from my staff, who originally was an intern in our office and has now been in our office for many years working with me on Homeland Security, has worked transportation, defense, housing, you name it, from simple issues to the most complicated of issues, just been an incredible person, dedicated to public policy and doing what is right, but, at the same time, tough, hard-nosed to work with agencies to make sure that the Government does what it is supposed to do.

Just incredible people who make this institution work. I simply say thank you.

A couple of words about the bill, if I might. It is a good bill, and it does lots of good things. It has got additional funding.

Some of the other issues we worked on, we have had a concern over how sensitive security information is handled by the Department. There are provisions here for handling that information, which I think is good. I think the changes made to FEMA strengthens the role of FEMA.

I was one, along with Mr. OBEY, who a year ago thought we were making a mistake as we created a new Department or agency on preparedness and how it was structured. This basically goes back to strengthening the role of FEMA within the Department. I think it is a significant improvement.

Frankly, if I had my choice, I still would make FEMA a separate agency outside of this Department. I would prefer that. That is not going to happen. I think the changes in this bill represent substantial improvement.

I have to say that I am concerned over how we add the money in this bill for the Department. We do it on an energy basis. I think \$1.8 billion is desperately needed and will be well spent. But, at some point, we have to come back to passing budget resolutions in this body that are real.

The need for additional expenditure for homeland security are not emergencies. They are going to be there on an ongoing basis in the years ahead; and, in 2005, we added \$450 million as an emergency; 2006, \$1.2; and \$1.8 in 2007.

At some point, this institution has got to get back to having budget resolutions that are real, where real choices are made, not pretending that we are not going to spend any money initially and then getting around to it by having emergency designations. That simply undermines the process.

I am probably in the minority on this issue. I still remain very concerned to the degree we have given the Department discretion in distributing some of our formula funds. I do not think that they have the capacity to do it. So I hope this institution keeps an eye on how the agency does distribute formula grants or simply grants in the future.

Clearly, their ability to do it on a discretionary basis, I think, needs to be examined; and I think they need much better information to do that than they have had in the past.

But it is a good bill. It has been a pleasure working with Mr. ROGERS and all of the other members of our subcommittee. We have a good subcommittee. I think this committee has made a great contribution.

Mr. Chairman, I do have to ask one question. I understand we have a variety of other bills relating to homeland security that are authorizing bills, that seem to be hanging up the adjournment or our recess. Am I wrong that everything that is in this bill is currently authorized? All of our money can be spent that is in this bill? It is not subject to any authorization?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. That is correct, except for the new authorizing languages that are in the bill. You are correct, except for the newly authorized items that are in this bill.

Mr. SABO. Mr. Speaker, reclaiming my time.

All of the money that is needed for borders, for ports, all of the money we have appropriated can be spent?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. I thank the gentleman. And I thank the gentleman for his good work.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. I thank the gentleman for his very, very kind remarks; and I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Appropriations Committee, who has been extremely helpful on this bill, as all of the others.

Mr. LEWIS of California. Mr. Speaker, I rise in support of the fiscal year 2007 Homeland Security Appropriations Conference Report. This is the second of 11 individual conference reports I hope to bring to the House floor for consideration this year.

The conference report funds the Department of Homeland Security at \$34.8 billion for fiscal year 2007, an increase of \$2.3 billion over the fiscal year before.

□ 1515

The conference agreement aggressively addresses our most critical homeland security needs including border and immigration security; port, cargo and container security; transportation security; natural disaster preparedness and response; and support to State and local first responders.

I would really like to praise Chairman ROGERS and Ranking Member SABO for their very fine bipartisan work; but to my colleague MARTIN SABO, let me say not just a colleague and congressional classmate, MARTIN

SABO is one of the finest people I have known since I have been in Congress. I would say to MARTIN, a job well done, my friend, not just for, of course, this piece of work, but most important, for a lifetime of work on behalf of your country.

Chairman ROGERS has spoken to the specifics of the conference report so I will again direct my attention to the need to complete our appropriations work this year.

As the body knows, the Appropriations Committee has made tremendous strides over the last 2 years in reforming the process of adopting our annual spending bills. The Appropriations Committee has been strongly committed to bringing to this floor individual conference reports for each and every bill. We were successful in doing so last year. I hope to replicate that success again this year.

To underscore this point, Chairman COCHRAN and I sent a letter to both Speaker HASTERT and Majority Leader FRIST this week reiterating our support for completing each of our bills in regular order and not resorting to an end-of-session omnibus spending bill. I would like to submit for the RECORD that letter at this point.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, September 25, 2006.

Hon. J. DENNIS HASTERT,  
Speaker of the House,  
Washington, DC.

Hon. WILLIAM H. FRIST,  
Senate Majority Leader,  
Washington, DC.

DEAR MR. SPEAKER AND MAJORITY LEADER FRIST: As we approach the end of the pre-election legislative session, the Appropriations Committees are preparing to present to our chambers the conference reports for funding the Department of Defense and the Department of Homeland Security. While progress is being made with these two major bills, we want to reiterate our commitment to moving each of the individual appropriations subcommittee conference reports at the earliest possible date this year. We know that you, too, share this goal.

Thanks to your leadership last year, we were able to complete each of the appropriations bills individually within the established budgetary constraints and avoid a massive, year-end "omnibus" spending bill. This represented a remarkable victory for taxpayers and demonstrated that Congress was capable of completing its constitutional responsibilities on time and on budget. Upon our selection as Chairmen, we committed to you and our colleagues that we would work to restore regular order to the appropriations process. We remain committed to passing conference reports individually again this year.

Maintaining regular order and passing individual conference reports within the parameters of the budget resolution is an important part of controlling spending. It is our belief that omnibus legislation that bypasses the regular order is not in the best interest of the Congress, or ultimately the taxpayer. Whether we work through the holidays or pass long-term continuing resolutions, we are committed to completing the FY 2007 appropriations process in an open and orderly manner, without resorting to an omnibus strategy.

Our Committees remain committed to completing our work at the earliest possible

date. We thank you for your assistance in this endeavor and we look forward to working with you as we together accomplish our legislative goals this year.

Sincerely,

JERRY LEWIS,  
Chairman, House Committee on  
Appropriations.

THAD COCHRAN,  
Chairman, Senate Committee on  
Appropriations.

Mr. Speaker, early in the process I made it very clear to our leadership and to our Members that the Appropriations Committee would not entertain the prospect of an omnibus spending bill. This committee is doing everything in its power to ensure that this does not happen.

The Appropriations Committee passed each of the 11 spending bills through the full committee by June 20 of this year, and passed 10 of 11 bills off the House floor by June 30. We remain committed to pass the final appropriations bill at a moment's notice.

The Appropriations Committee made a commitment to move its spending bills individually, in regular order, and within the framework of the budget resolution. We have done that. The Appropriations Committee has kept its word.

Moving our spending bills individually is the only way to maintain fiscal discipline. The pursuit of an omnibus strategy is a budget-buster and an invitation to unrestrained spending. If history is any guide, an omnibus spending bill would become a vehicle for other forms of legislative mischief.

Again, Chairman COCHRAN and I would ask our colleagues to avoid that approach and move forward in passing individual conference reports. Together, we remain committed to completing our work at the earliest possible date.

I also urge the adoption of this conference report in a vote later today.

As I close these comments, let me say one more time, Mr. ROGERS and Mr. SABO have a reflection in this bill of the finest of bipartisan efforts, exactly the kind of effort that will cause the Congress to rise in the respect of the American people.

Mr. SABO. Mr. Speaker, I yield 10 minutes to my friend from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I simply want to say that I am pleased to be able to support this bill. I very much regret the fact that we will only have completed two out of the 11 appropriation bills by the end of the fiscal year. That, in my view, is not the fault of the Appropriations Committee on either side of the aisle. It is very much the fault of the fact that this institution chose to adopt a budget resolution which did not accurately reflect the political center of gravity in the Republican Party, much less the Democratic Party when you take a look at the positions of each House.

Having said that, I want to take this opportunity to comment on something the President said yesterday because

the President told the country that those of us on this side of the aisle were, in effect, soft on security and soft on defending this country.

I regret very much that the President has chosen to govern this country by dividing it rather than uniting it. I took a great deal of pleasure in working with the President's father in working out many a legislative compromise. We did the same thing with President Clinton. We did the same thing with President Carter. We even on many occasions did the same thing with President Reagan and President Nixon. But this is the first President I have known who has seemed to purposely divide the country in order to govern, and I just want to trace what the facts are with respect to defending the homeland.

I remember, in August of 2001 when I was at home in Wisconsin, receiving a call from my staff director telling me he had just been briefed by the CIA and that they were extremely concerned about the traffic that they were intercepting around the world, and they thought something big was up, did not know if it was domestic or international, but the intelligence community was very worried that something was coming. That was in August, just before 9/11.

The day before 9/11, Attorney General Ashcroft met with his staff to set out their priorities for the year, and in that meeting, he was presented a spreadsheet with various boxes indicating which would be his preferred activities and activities of focus for the coming year. He declined to check any of the boxes that had anything to do with antiterrorism. He was, in fact, urged by his staff to reconsider and rejected that advice and told the staff, "No, I want to focus on drugs." The Attorney General denied that in a hearing of our committee, but in fact, my office had been leaked the documents by his own agency that showed exactly what he had done in that meeting.

Then, after we were hit by anthrax, I called BILL YOUNG, who was then the chairman of the full committee, and suggested that since we could not get into our offices, we talk to the security agencies to see what they felt they needed in order to respond to the threat represented by 9/11.

We talked to the FBI, the NSA, CIA, you name it, all of the security agencies. On a bipartisan basis, we put together a listing of action items, and then we cut it and we cut it and then requested to see the President.

We went down to see the President. He came into the room. Before we could say a word, he said, "Well, I understand some of you want to spend more money than I have requested for homeland security." He said, "My good friend Mitch Daniels here from OMB tells us that we have got enough money in our budget, and so I want you to know, if you appropriate a dollar more than I have asked for, I will veto the bill. I have got time for four or five comments and I am out of here."

Senator STEVENS said, "Mr. President, I do not think you understand, we have already agreed. We will knock off any item you do not want. We are not trying to have an argument. We just want something done."

Senator BYRD made the same point, and then I asked the President, I said, "Mr. President, I have been coming down here for 30 years, this is the first time any President has ever told me his mind was closed before the subject was even open." I said, "I want to ask you four questions about Federal installations, which we have been told by your own people, your own security people, are gravely at risk of terrorist attack, their words, not mine." I asked him about them. It was clear he had not been briefed on them. I did not expect him to. He is a busy man.

But we walked out of there after being told by the President that he would veto any additional efforts to provide funds for homeland security. Despite that fact, we went back up to Capitol Hill and eventually added more than \$2 billion to the President's request, and he signed the bill.

The following year, the President held a press conference bragging about the fact that the Customs agency had this new port security arrangement, new inspection of cargo coming into this country, and he had a press conference bragging about it, and then pocket vetoed the money to make it happen. I felt that that was enough to give hypocrisy a bad name.

So that is very basically the early history of what the President's record is in terms of resisting bipartisan efforts to strengthen homeland security funding.

I remember going out to the CIA and watching in real-time as we could see what the Predators flying over in Afghanistan were seeing when they were looking for bin Laden, and I know what the CIA people thought about the President's decision to divert a significant portion of our resources from the job of nailing bin Laden to preparing for the war in Iraq. They were not very happy about it, and we were not either.

Since that time, on seven different occasions on this side of the aisle, we have tried to add funding to the President's budget for homeland security and to the committee budget.

I want to make clear I think the subcommittee has done the best it could, given the allocation that it was given under the Republican budget; but that does not mean that the allocation was adequate. The record is clear that the President on numerous occasions offered inadequate budgets which had to be augmented by this committee on a bipartisan basis.

So I think it comes with considerable ill grace and with considerable reinventing of history for the President to suggest that there is any difference of opinion between the two parties with respect to our dedication to protecting the homeland. He knows it is not so, but campaign rhetoric is getting in the

way of the facts as far as he is concerned.

So I just want to make the point that I do not question the President's patriotism because he chose to put tax cuts as a higher priority than even additional funding for homeland security. That is a judgment he made, and that is a judgment he will have to defend. I do not question his patriotism. I question his judgment. I think that it comes with considerably ill grace from a man who has the track record of refusing efforts of this Congress to strengthen homeland security on various occasions, to have that man question anybody else's dedication to this country, question anybody else's dedication to defending this country.

The record does not bear out his claims, and I think if you check the record, you will find out that every statement I have made today is fully true and accurate.

With that, I thank the gentleman for the time.

The SPEAKER pro tempore. The Chair would advise the gentleman from Minnesota has 8 minutes remaining, and the gentleman from Kentucky has 16 minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), the very distinguished chairman of the authorizing Committee on Homeland Security in the House, whose cooperation on this bill has been fabulous, for the purpose of a colloquy.

Mr. KING of New York. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise for the purpose of engaging in a colloquy with Chairman ROGERS and Chairman SENSENBRENNER. I would like to address the meaning of section 546 of the fiscal year 2007 Department of Homeland Security appropriations conference report regarding the Western Hemisphere Travel Initiative, also known as WHTI.

I would like to establish the fact that the language proposed in the conference report does not require a delay in implementation; in fact, the date change does not prohibit the administration from complying with its original deadline of January 1, 2008.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I agree it is important to recognize that paragraph 1(a) requires that the Secretary of Homeland Security develop and implement a plan for appropriate passports or other documents as expeditiously as possible. It then instructs the Secretary to complete implementation of WHTI by no later than the earlier of June 1, 2009, or 3 months from the date the conditions of paragraph 1(b) are met.

Thus, the Secretary may and, indeed must, begin the implementation process earlier than the June 1, 2009, deadline to ensure that he meets this mandate.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, both gentlemen are correct. WHTI is vital to our homeland security, and I am absolutely committed to ensuring it is put in place.

The conference report requires the Departments of Homeland Security and State to implement WHTI no later than 3 months after the security requirements are met or by June 1, 2009, whichever is earlier.

□ 1530

We urge DHS and State to quickly develop the PASS card technology, card readers, and procedures to enable the earliest possible deployment of the system at our sea and land ports of entry.

Again, let me make this clear. The conference report does not force a delay upon WHTI. It is up to DHS and State to make sure the program works securely and is implemented as soon as possible, which can and should be in accordance with the original WHTI deadline of January 1, 2008.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of this subcommittee, hardworking, and a conferee on the bill.

Mr. WAMP. Mr. Speaker, I thank the chairman for the outstanding job he does.

This \$34.8 billion brings the total that we have spent on this Department since September 11, 2001, to \$151.7 billion, a significant investment in this new Department.

I want to hail the service of MARTY SABO over the years but specifically on this subcommittee and because of his cooperation specifically in one area where he and Chairman ROGERS have been brilliant. They have used the power of the purse to force this Department to move towards efficiency and accountability, something that was really missing for a long period of time. We have withheld money from them pending reports and accountability over and over again.

I want to report on two areas today where we are making great progress because of our work on this subcommittee. Science and technology was woefully inadequate. It is now moving rapidly. Admiral Cohen has come in, and he is outstanding. We are deploying new technologies, and we are really spending the money much more wisely. Great progress has been made.

Another area is where we created and helped the administration form the DNDO, the Defense Nuclear Detection Organization. Nuclear problems in homeland security are our greatest threats. Mr. EDWARDS, on the Democratic side, and myself and others have really been active here to make sure this new agency is effectively detecting the nuclear threat and advancing those technologies. This funding is \$481 mil-

lion. We forced it up above the administration's request to that figure. It still is not enough. I would rather have had the Senate number of \$500 million, but we are making great strides there now as well.

Also, the border is much more secure today than it was a year ago. The gentleman from Minnesota is exactly right. This subcommittee has been securing the border each and every year but dramatically in the last year. We now are sending 99 percent of them back.

Finally, Mr. Speaker, I want to wish happy birthday to Michelle. Thank you for your service.

Mr. SABO. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman has 8 minutes remaining.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Good luck to you, Martin, and thank you for your service and the great job you have done for America. Both sides working together on this legislation speaks for itself.

The conference report I support. There is real good in this legislation. As the author of the FIRE Act, I am glad to see that the Congress has restored the President's draconian cuts to this successful program. \$662 million for FIRE grants, including \$115 million for the SAFER Act will allow us to continue to provide for the critical equipment and staffing needs of fire departments nationwide.

I am also heartened by the fact that we kept FEMA in Homeland Security. I think that is very, very important, rather than make it a separate organization. Combining many of the Department's preparedness functions with FEMA and keeping it in DHS is wise and, I think, sound policy.

But there is some missed opportunities here. I cannot let this go by without projecting this and asking everyone in this room to think about it. We have done everything to try to put before the American people and the Congress the necessity for interoperability dollars. We had it in the budget, we came to agreement on both sides, but it is not there anymore.

We said that this was the most difficult task facing our police and our fire, yet we take \$3.1 billion out in dedicated interoperability funding. We have had hearings on this in Washington State and hearings in New Jersey, and this is not the way to treat our law enforcement. It is not the way.

Five years after 9/11, the Department still does not have a dedicated interoperability grant program; and, as a result, State and localities are still robbing Peter to pay Paul by using a huge amount of their homeland security grant funding.

I am also concerned that the chemical security provisions within this bill will not facilitate adequate security to an industry that needs it.

Again, I want to thank those who put this legislation, this conference report together.



Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a very valuable member of the subcommittee and of the conference.

Mr. LATHAM. Mr. Speaker, I thank the chairman, and I rise in support of this conference agreement and urge my colleagues to also support it. I also want to commend Chairman ROGERS, Mr. SABO, and the subcommittee staffs on both sides for their great work on this bill.

I also want to take note that this is the last time that Congressman MARTY SABO will be on the floor with the Homeland Security appropriations bill. He has been a key member of the subcommittee and a valued member of the full committee, and on behalf of Kathy and myself, we wish you and Sylvia the very, very best for the future. You are great people, and it has been an honor to get to know you. I appreciate your great career here.

The process of putting together this appropriations bill to address the operational needs of the Homeland Security Department has once again been a very difficult one. As I participated in the process on this bill, I have come to the conclusion that our approach to funding homeland security has been well thought out in the face of having to make difficult choices. This year, as in the past, we have worked hard to balance the priorities. While I am not fully satisfied with some of the choices, overall I am pleased with many of the components of this bill.

For example, I am very happy that we put extra funding into enhancement of border security. We added funds for new border patrol personnel and capital infrastructure. This is one more significant step toward the best combination of assets to protect our borders. This is a must, in my view.

I am also pleased that we have included a structural overhaul of FEMA, an issue that had to be addressed. The components of the overall bill set FEMA on a path to better carrying out its mission.

At the end of the day, there are no perfect answers to our homeland security problems, and there is no perfect dollar resource level for any of these homeland functions. We are not going to reach a 100 percent security umbrella no matter what level of funding we allocate to the homeland function. Since we cannot reach security perfection and because our resources are limited, we simply have to allocate resources wisely, and we have done that again this year.

I would ask all Members to support this conference report.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to thank the distinguished gentleman and pay him a great debt of gratitude for his service and for his fight. MARTIN SABO knows his business, and he gets the job done, and I simply want to thank him very much.

I wish as we proceed in this bill that there were elements of it that really could answer the questions that the American people ask about homeland security. I am disappointed we could not work out the right kind of approach to chemical security, primarily because I live in a region that has a sizable number of chemical plants and, most recently, we have experienced a number of incidents that have impacted the surrounding neighborhoods. So I would have hoped we would have been able to implement a plan that had a great deal more teeth to it than what we now have in this bill.

Also, I would like to mention that, although the Homeland Security Committee looked at and does agree with FEMA remaining in the Homeland Security Department at this time, I am disappointed that the monies, which we really do need to reconstruct FEMA and to make it work, one, are missing; and, two, that the question of the FEMA staffing is a question that has not been answered.

Also, as my good friend from New Jersey indicated, we are still fighting the battle of interoperability, and that is a key element, as reflected in the 9/11 Commission report.

We also determined that the local law enforcement is very, very unhappy with the presence of the UASI grants in FEMA. I wish we had had more time for consultation to work with the Nation's chiefs of police to be able to ensure them that these grants would be distributed fairly.

Much can be said about the improvement of this bill, but, Mr. Speaker, I would hope that we would have the opportunity to ensure that there is full funding for homeland security and full staffing. Without that, it cannot work.

I rise in support of the Conference Report to the Homeland Security Appropriations Act of 2007 to H.R. 5441. Although the compromise is far from perfect, on balance it contains enough good things to warrant my support.

I am pleased that the legislation includes all of the recommendations that the Democrats on the Homeland Security Committee released in February, entitled "Directing FEMA Towards Success: A Democratic Report and Legislative Solution." The legislation combines some of the Department's preparedness functions (Grants and Training, U.S. Fire Administration, and the National Capital Region office) with FEMA and keeps the new entity within the Department. It requires that the Administrator of FEMA possess a demonstrated ability in and knowledge of emergency management and homeland security and have no less than 5 years of executive leadership and management experience. Finally, the legislation designates the Administrator as the principal advisor to the President for all matters pertaining to emergency management and authorizes the President to designate the Administrator to serve as a member of the Cabinet during emergencies.

#### INTEROPERABILITY FUNDING TO MEET THE NEEDS OF LOCAL RESPONDERS

It is unfortunate that Republicans opposed the inclusion of \$3.1 billion dedicated interoperability funding for state and local first re-

sponders. Five years after the 9/11 attacks and one year after Hurricane Katrina, the Department still does not have a dedicated interoperability grant program. As a result, states and localities are still robbing Peter to pay Paul by using a huge amount of their homeland security grant funding—in some instances 80%—to purchase communications equipment. States and localities are forced to shortchange first responder training, local terrorism prevention activities and securing the nation's critical infrastructure.

Although the bill shortchanges interoperability, the legislation does include increased authorizations in FY 2008 for a variety of programs that Democrats have championed throughout the process. These include:

A \$20 million increase for the Urban Search and Rescue Teams;

A \$30 million increase for the Metropolitan Medical Response System;

A \$175 million increase in FY 2008 for the Emergency Management Performance Grant program; and

\$4 million in grants for the administration of the Emergency Management Assistance Compact, which is used to coordinate assistance between the states during disasters.

#### FEMA

With respect to the new FEMA's overall funding, the legislation also authorizes a 10% annual increase over the next three years for administration and operations. It remains to be seen whether the Administration will include this crucial funding in their 2008 budget request.

My Democratic colleagues on the Homeland Security Committee, including Ranking Member BENNIE THOMPSON (MS), Representatives JANE HARMAN (CA), NITA LOWEY (NY), BILL PASCRELL (NJ), and I have been outspoken leaders in the effort to solve the problem of interoperability for our Nation's first responders. Although the majority blocked our attempts to provide dedicated funding to address the issue, the legislation does adopt many Democratic provisions related to emergency communications.

The legislation creates an Office of Emergency Communications to support, promote, monitor, and promulgate operable and interoperable communication capabilities, consolidating various offices across the Federal government. Additionally, it requires the development of a National Emergency Communications Plan that would identify ways to expedite the adoption of consensus standards for emergency communications equipment and recommend both short and long-term solutions to overcoming obstacles to achieving nationwide interoperability and operability.

It also mandates the completion of a national baseline study assessing the state of operability and interoperability among Federal, state, tribal, and local governments. Finally, it ensures that recipients of homeland security grants are coordinating and operating consistent with the goals and recommendations of the National Emergency Communications Plan.

Unfortunately, and for no apparent policy reason, this legislation fails to place this new Office of Emergency Communications where it most logically belongs—FEMA. Instead, it is an outlier—grouped in with the office that oversees cybersecurity. By failing to do this, Republicans have perpetuated—and written into law—the very fragmentation of the preparedness and response functions that led to

the Administration's failed response to Hurricane Katrina.

While the bill authorizes the existing Chief Medical Officer and gives him primary responsibility for medical preparedness issues in the Department, Republicans rebuffed efforts by Homeland Security Democrats to locate this office where it most logically belongs—within FEMA. In addition, provisions to establish a program to assess, monitor, and study the health and safety of first responders involved in disasters was stripped by the Republicans, as was language to direct the Chief Medical Officer to provide guidance for the Metropolitan Medical Response System and to develop and update guidelines for State, local, and tribal governments for medical response plans for WMD attacks.

Additionally, the legislation authorizes a national training and exercise program for first responders, as well as a comprehensive assessment system and a remedial action program to identify and disseminate lessons learned. However, Republicans stripped out a Democratic proposal—accepted by the Majority in the Homeland Security Committee bill—to authorize an exercise to prepare for pandemic influenza.

Finally, the bill stripped a Democratic provision to create an Office of Public and Community Preparedness, which was proposed to address a lesson learned from Hurricane Katrina—that citizens need to be prepared to protect themselves and their families and cannot rely on assistance for the first few days of a disaster. The office would have consolidated various programs at the Department of Homeland Security into one office with the primary responsibility within the Department for assisting the efforts of State, local, and tribal governments in preparing citizens and communities in the United States for acts of terrorism, natural disasters, and other emergencies.

Notwithstanding these weaknesses, I will support the Conference Report because on balance the weaknesses, which I will work to eliminate next year, are outweighed by the following good provisions:

Prohibits the Secretary from allocating, reallocating, establishing, consolidating, altering, or discontinuing organizational units within FEMA under the authority of section 872 of the Homeland Security Act of 2002.

Creates a national and 10 regional advisory councils (one in each FEMA region) made of up local officials, emergency managers, first responders and the private sector, to advise the Administrator and each of the regional Administrators and ensure coordination.

Creates a Disability Coordinator, a position advocated by Rep. JAMES LANGEVIN (D-RI), to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

Directs the Administrator, in coordination with the heads of other appropriate agencies, to provide evacuation preparedness technical assistance to state local and tribal governments. Democrats on the Committee had introduced legislation on this issue over a year ago.

Directs the Administrator to collaborate with local and state officials and first responder groups to develop standards for the credentialing of first responders and the typing of resources needed to respond to disasters.

Codifies the national preparedness goal, target capabilities list, national planning sce-

narios, and creates a national preparedness system to prepare the nation for all hazards. Many of these activities are currently being undertaken by the Department.

Directs the Administrator to develop a "transparent and flexible" logistics system for procurement and delivery of goods and services necessary for an effective and timely response to disasters.

Directs the Administrator to develop and submit a strategic human capital plan to shape and improve the agency workforce and authorizes the Administrator to pay a bonus to recruit and retain individuals in positions otherwise hard to fill.

Creates a National Child Reunification Center within the Center for Missing and Exploited Children as well as a National Emergency Family Registry and Locator System.

For these reasons, I will support the Conference Report and I urge my colleagues to join me.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), another very important member of this subcommittee who has helped us enormously.

Mr. SWEENEY. Mr. Speaker, I have been on this committee since its inception 4 years ago. It is probably my most challenging duty here in Congress. It is one of my greatest honors, and I have to tell you, every year this appropriation measure is probably the steepest climb that we have because we know now that the threats we face, the challenges we face are enormous, and any arbitrary amount of money can't bring us to a place of perfection.

I want to salute the chairman for his great work. This is probably one of the best bills that you have been able to produce, Chairman, and they have all been pretty darn good, and so I really appreciate your leadership.

To Mr. SABO, I wish you well. You have had a great career. It has been an honor, especially in these past 4 years, to serve with you and watch your leadership.

What I would like both of you to know is that our staffs here are some of the unsung heroes and I think the real patriots. They do incredible work. They listen, they study, and then they enact, and they enable us to do some of the good things we are doing here, and they have enabled us to make this Nation more secure.

The American people need to know this committee has served respectfully and greatly in a bipartisan fashion. For example, since 9/11, we have been able to provide almost \$40 billion for first responders. In this report is an example: \$662 million for the assistance of firefighter grant programs, \$7 million more than the 2006 number was and \$370 million more than what the President asked for.

We also found that balance by finding minimal security levels throughout the Nation that are satisfactory and, as well, made sure we had targeted money, \$770 million, for the Urban Area Security Initiative. We do substantial work on ports, \$4.34 billion; and \$21 billion on the borders.

Mr. Chairman, I think you have really identified what those priorities are, and we have balanced them very well.

Finally, on WHTT, I just want to say that I think we have worked out a flexible compromise that will allow us to provide security and maintain our economic interests.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO), chairman of the Coast Guard Subcommittee in the House.

Mr. LOBIONDO. Mr. Speaker, I rise for the purpose of engaging in a colloquy with Chairman ROGERS.

Mr. Speaker, I recognize concerns expressed about the Coast Guard's C4ISR program. This is a critically important program providing a deployable pre-emptive capability to prevent or stop the movement of terrorists and their weapons before they reach the homeland. I would hope that the Chair would agree that if the C4ISR program is able to adequately address the concerns contained in the conference report that you would look favorably upon this program in the future.

□ 1545

Mr. ROGERS of Kentucky. If the gentleman will yield, I agree with the gentleman from New Jersey that this is an important program; and I can assure him that, should we receive information that the Coast Guard has addressed our concerns, we will give the program favorable consideration in the future.

Mr. LOBIONDO. Thank you very much, and thank you for your hard work.

Mr. ROGERS of Kentucky. I yield 3 minutes to the gentleman from New York (Mr. KING), the chairman of the authorizing committee.

Mr. KING of New York. Mr. Speaker, I thank the chairman for yielding.

Let me at the outset thank Chairman ROGERS for the extraordinary work he has done and the extraordinary cooperation he has exhibited toward the Homeland Security Committee.

There are two key components of this appropriations bill which are in fact legislation passed by our committee and which Mr. ROGERS has so generously moved forward for us: certainly FEMA reform, and chemical plant security.

On the issue of FEMA reform, let me also commend Chairman REICHERT for the extraordinary work he did at the subcommittee and committee level; and on the chemical plant security legislation, let me commend Chairman LUNGREN for his work.

As someone coming from New York, let me point out the fact that this legislation includes a \$30 million increase for the Urban Area Security Initiative, UASI, a grant program particularly important for the New York City and the metropolitan area.

On FEMA reform, this is real reform. This gives FEMA the leverage and the



power and the autonomy it needs within the overall perspective of homeland security.

As far as chemical plant security, this is extraordinary legislation because for the first time it gives the Department of Homeland Security rule-making power over the chemical plant industry.

I could go on for great length about this legislation, but I would like to yield to Sheriff REICHERT.

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 5441, the fiscal year 2007 Homeland Security Appropriations Conference Report. I would like to discuss the Post-Katrina Emergency Management Reform Act of 2006, which is included as title VI.

As Chairman of the Subcommittee on Emergency Preparedness, Science, and Technology and as one of title VI's principal authors, I proudly announce today both Chambers and both parties have come together and reached a landmark agreement in reforming FEMA.

Mr. Speaker, when you Google the term "FEMA," over 2 million hits pop up. Fixing FEMA has been on the forefront of the American consciousness since Hurricanes Katrina and Rita last year. Some said it couldn't be done.

Mr. Speaker, we have done it. The important reforms of FEMA are based in large part on H.R. 5351, which I introduced on May 11, 2006, and which passed the Committee on Homeland Security less than 1 week later.

Finally, this legislation addresses emergency communications. Congress has already appropriated billions of dollars for interoperability. However, standards are still not established. Many States do not have plans statewide and are still working on it.

Before spending billions more, there are less expensive but integral reforms that must be implemented. Once these reforms occur, then and only then should we create an additional grant program. I look forward to working in a bipartisan way to create that new grant program.

The American public demanded that Congress fix FEMA. This agreement does that.

Mr. Speaker, I rise today in strong support of H.R. 5441, the "Fiscal Year 2007 Homeland Security Appropriations Conference Report." In particular, I'd like to take a few moments to discuss the "Post-Katrina Emergency Management Reform Act of 2006," which is included in Title VI of H.R. 5441.

As Chairman of the Subcommittee on Emergency Preparedness, Science, and Technology, and as one of Title VI's principal authors, I am especially proud to announce that both Chambers and both parties have reached this landmark agreement to overhaul the Federal Emergency Management Agency (FEMA).

Mr. Speaker, if you Google the term "FEMA Reform," over 2 million hits will pop up. The idea of fixing FEMA has been on the forefront of the American consciousness since Hurricanes Katrina and Rita last year. And some said it couldn't be done—that Congress could not come together in a bipartisan, bicameral way to fix this problem. There were too many

obstacles and too much politics. That the problem itself was simply too massive and no one knew where to begin. But Mr. Speaker, we have overcome those obstacles in the interests of the American people. And, to do so, we began by listening to those who know best what the problems are and what the solutions must be—our Nation's first responders and emergency managers.

This landmark agreement will, among other things, reform FEMA by:

Elevating the standing of FEMA within the Department of Homeland Security by promoting the Administrator of FEMA to the level of Deputy Secretary;

Requiring that the Administrator possess a demonstrated ability in executive leadership and management experience;

Directing the Administrator to serve as the principal advisor to the President and others for all matters relating to emergency management;

Restoring the nexus between emergency preparedness and response; and

Elevating the importance of emergency communications within the Department by establishing an Office of Emergency Communications and requiring that Office to draft a National Emergency Communications Plan and conduct a baseline operability and interoperability assessment.

These and the other important reforms of FEMA in Title VI are based, in large part, on H.R. 5351, the "National Emergency Management Reform and Enhancement Act of 2006," which I introduced on May 11, 2006 and which passed the Committee on Homeland Security less than one week later.

As a former law enforcement officer for more than 33 years, I can assure my friends in blue that nothing in this agreement would in any way undermine the terrorism-specific focus of the Department's terrorism preparedness grants and other prevention and protection programs. In fact, my colleagues and I drafted the base text of this legislation with the direct input of our Nation's first responders.

Finally, some have recently brought up the need to immediately create a new multi-billion grant program for interoperability. However, before spending additional billions of Federal dollars on interoperable communications, there are less expensive but integral reforms that must first be implemented. This agreement contains an entire subtitle of such reforms. As a former Cop and Sheriff, I know that first responders need standards in place and that States need to adopt Statewide Interoperable Communication Plans to ensure that Federal money is well spent. It is then, and only then, that we should create an additional interoperability grant program. However, once these reforms have been implemented, I look forward to working in a bipartisan way to create that new grant program.

However, to be clear, Congress has already appropriated billions of dollars for emergency communications. From FY 2003 through FY 2005, recipients of DHS' terrorism preparedness grants have obligated and spent more than \$2 billion on interoperability projects—the single largest use of such grant funding. Moreover, the Department of Justice's COPS program has allocated more than \$300 million for interoperability to law enforcement agencies during that same period of time. Finally, in the Budget Reconciliation Act of 2005, Congress established a \$1 billion interoperability grant

program to be administered by the Commerce Department.

Following Hurricanes Katrina and Rita, the American public demanded that Congress fix our Nation's broken emergency management system. This agreement does that and more. It is for that reason that I urge my colleagues to support this landmark, bipartisan legislation.

Mr. SABO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have read the chemical bill language, and I do not understand whether that language preempts the ability of a State to adopt more stringent requirements than the Federal standards.

Mr. KING of New York. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, it is our understanding, and we had the opinion of committee counsel on this, that it does not preempt States.

Mr. SABO. The intention is not to preempt the ability of the States.

Mr. KING of New York. That is not the intention.

Mr. Speaker, let me just commend the gentleman for his many years of service to this House and wish him the very best in the years to come.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), who is Chairman of the Emergency Management Subcommittee of the Committee on Transportation and Infrastructure.

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I thank Chairman ROGERS for yielding.

Mr. Speaker, I rise today in strong support of this legislation, in particular the FEMA reforms. It was a tremendous effort by many, and I want to extend my personal thanks to Chairman ROGERS, Chairman DON YOUNG, Chairman DAVIS, Chairman KING and Chairman REICHERT. This was truly a collaborative effort, and I think we have some important reforms for FEMA here today.

FEMA was once one of the most well-respected organizations in the Federal Government, but Hurricane Katrina demonstrated how badly FEMA declined in just 3 years at DHS.

I had the privilege to serve on the Katrina Committee that did the investigation and we laid out five principles for reforming FEMA: The President has to be involved in big disasters; there must be a clear chain of command; preparedness must be put back into FEMA; FEMA's capabilities must be restored and enhanced; and, finally, we need an all-hazard approach to disasters.

While I believe that pulling FEMA out of DHS is the best way to embrace these principles, I recognize that it is not the only way. These principles served as a foundation for the compromise we consider today.

This bill fixes and improves FEMA. With the leadership, authority and resources necessary to respond effectively to the next disaster, FEMA can once again be a model Federal agency. The American people deserve nothing less.

Before I close, I would like to thank the Emergency Management Subcommittee staff who worked very long hours on this important legislation: Dan Matthews, Jennifer Hall and Hugh Carroll, and also Liz Megginson from the full committee. They did a great job, and I want to thank them.

Mr. Speaker, I rise today to support this legislation.

Prior to the creation of the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) was one of the most well respected organizations in the Federal government. Hurricane Katrina illustrated how badly FEMA had declined in less than three short years.

I want to thank Chairman YOUNG for his leadership and his oversight efforts over the years to ensure that FEMA would remain a model Federal agency. Through his leadership on this bill, I believe FEMA will not only return to its former status, but outperform the FEMA we used to know.

I had the honor of serving on the House Katrina Committee under Chairman DAVIS. He deserves tremendous credit for leading the investigation. He made a commitment to follow the facts wherever they took us, and he uncovered a surprising record of actions and neglect that undermined our Nation's disaster preparedness. Without his leadership, we would not be here today.

There have been a lot of complaints that the House has not consolidated jurisdiction over the DHS into one committee. Today, I can tell you that it is a good thing that jurisdiction over DHS does not reside with one committee.

This bill balances the need to prepare for a terrorist attack with all of the other hazards we face. The Transportation Committee has decades of experience with emergency management. The Homeland Security Committee brings real expertise on terrorism matters. Between these two committees, we came up with a good product.

I would like to thank Chairman KING and Chairman REICHERT. This comprehensive reform could not have been possible without their support, vast knowledge of preparedness issues, and strong desire for reform.

After the Katrina Committee Investigation, we laid out 5 principles for reforming FEMA.

First, Presidential involvement and professional disaster advice are essential.

Second, effective response requires a clear chain of command.

Third, the four elements of emergency management need to be closely integrated and managed, particularly preparedness and response functions.

Fourth, FEMA's essential response capabilities must be restored and enhanced.

And fifth, the tension between the nation's all-hazards emergency management system and terrorism preparedness must be resolved.

While my personal opinion is that pulling FEMA out of DHS is the best way to embrace these principles, I recognize that it is not the only way. These five principles served as a foundation for this compromise, which helped us achieve comprehensive reform.

This legislation elevates the Administrator to the Deputy Secretary level and provides that the Administrator will report directly to the Secretary. It directs the Administrator to serve as the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management and permits the President to designate the Administrator as a member of the Cabinet in the event of natural disasters, acts of terrorism, and other man-made disasters. Additionally, the Administrator is given explicit responsibility for managing all disasters.

Furthermore, I am proud that this bill clarifies the chain of command during the Federal response to natural disasters, acts of terrorism, and other man-made disasters by providing that the Federal Coordinating Officer (FCO) is in charge. The bill also prohibits the Principal Federal Official (PFO) from directing or replacing the incident command structure at an incident and limits the PFO's authority over Federal and State officials, including the FCO.

Additionally, this legislation returns all grants, training, and preparedness programs to FEMA, restoring the nexus between emergency preparedness and response. These grants and programs include the emergency management performance grant program, fire grants, terrorism preparedness grants, the radiological emergency preparedness program, the chemical stockpile emergency preparedness program, and the metropolitan medical response system.

This bill increases FEMA's response capabilities through a variety of tools. Through this legislation FEMA will establish robust Regional Offices, Regional Advisory Councils, and multi-agency Regional Strike Teams to ensure effective coordination and integration of regional preparedness, protection, response, mitigation, and recovery activities with State, local, and tribal governments, emergency response providers, emergency managers, and other stakeholders. Additionally, the Administrator is provided a number of tools for rebuilding FEMA's professional and reserve workforces through the use of a strategic human capital plan, recruitment and retention bonuses, and professional development and education.

Finally, this bill establishes an all hazard national preparedness goal and system for bringing direction, professional expertise, and accountability to federal, state, and local preparedness activities.

This bill puts FEMA back together again and gives FEMA the tools and authority to do its job. With the leadership, authority, and resources necessary to respond effectively to the next disaster, FEMA can once again be a model agency within the Federal Government.

Mr. SABO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, before I yield back my time, let me simply say to my friend from Minnesota (Mr. GUTKNECHT), thank you for presiding today in a very fair and efficient manner. It is a pleasure working with the gentleman. And on Twins.

Mr. Speaker, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this year has been a difficult year for this bill, as they all are.

We did not have all of the allocation that we could have used. However, I think we judiciously have spent the moneys that were allocated to us.

There is no more important chore that the Congress has, in my judgment, than to protect the country as best we can from its enemies and from natural disasters. That is what this bill is all about. It is such a huge undertaking. We have got 7,500 miles of borders with our neighbors, we have 12,000 miles of coastline, including the Great Lakes, 440 commercial airports with 600 million passengers a year internally and many millions more from outside the country, rail and subways and tunnels and bridges and cyber structures, and the financial system. Everything we have is subject to attack, and it is a very, very difficult chore for the government, both the executive branch and certainly the legislative branch, to try to get our arms around the mission and to try to find the moneys there to try to finance the effort to defend the country against its enemies.

But I think we have done that within this bill as best we can. We have covered practically every angle that you can think of with plenty of funding. I am especially pleased that we found huge new sums to spend on border security. We can't exist as a country if we can't protect that border, and that is what this bill is all about in its main emphasis.

Again, I want to thank MARTY SABO for his years of service and friendship, he and Sylvia. MARTY, you and Sylvia, we wish you Godspeed.

Mr. BARTON of Texas. Mr. Speaker, today, the House debated the Conference Report for Homeland Security Appropriations Act for Fiscal Year 2007. Section 535 of the conference report included a provision that will allow individuals to import into the U.S. from Canada a 90-day supply of a prescription drug, on their person, for their personal use. The provision specifically exempts controlled substances and biological products.

As the Chairman of the authorizing Committee with jurisdiction over the regulation of drugs and biological products, it is important for me to clarify what the language in this section means in regards to biologic products. The exemption applies to biological products, as that term is defined in Section 351 of the Public Health Service Act. The legislation does not confine the exception of only to those products licensed under Section 351 of the PHSA. This is an important distinction. To be clear, the language exempts biologic products licensed under the Public Health Service Act and those approved under the Federal Food, Drug and Cosmetic Act.

Members have also asked questions and offered various wishful opinions as to whether the chemical security section of the 2007 Homeland Security Appropriations bill preempts state or local law. Perhaps a review of the evolution of this provision would shed some light for Members. The House Committee on Homeland Security considered a bill in July that carried an amendment to explicitly state that the bill would not preempt state law. Why? Because Members recognized correctly that State or local laws that conflict with or

frustrate the purpose of Federal laws are preempted by the Federal law in the absence of explicit Federal language to the contrary, and the amendment's proponents wanted to ensure that States would not be so constrained. However, that bill was never considered by either body of Congress. When Senator BYRD initiated the process of using the 2007 Homeland Security Appropriations bill as a vehicle for legislating a Federal chemical security program, and then other Members began to venture suggestions to amend Senator BYRD's language in conference, the Chairmen of the three authorizing Committees, one in the other body and two in this body, were consulted.

During negotiations it was discussed and consciously decided among the authorizing committee negotiators to not include a provision exempting this section from Federal preemption because we do not want a patchwork of chemical security programs, and we do not want chemical facilities that are trying to secure themselves against threats of terrorism caught in a bind of wondering whether their site security complies with all law. It was only upon the agreement of the three authorizing Committee Chairmen that the Appropriations Conferees included the chemical security provision in the Appropriations Conference Report.

During Appropriations Conference deliberations, some Members argued and voted against including the chemical security section, in part because it was silent on preemption. However, they were outvoted. We are fully confident that courts of law, if ever faced with such a question, will examine the State or local provision and decide for themselves whether it conflicts with or frustrates the purpose of Federal law, including the chemical security section of the 2007 Homeland Security Appropriations bill and Section 101(b)(1)(F) of the Homeland Security Act of 2002 which states explicitly that the mission of the Department of Homeland Security includes ensuring "that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland."

Mr. MARKEY. Mr. Speaker, the conference report we are considering today on the House floor fails to close dangerous homeland security loopholes that continue to put Americans at risk more than 5 years after the 9/11 attacks.

This bill fails to include strong chemical security language that had been agreed to, on a bipartisan basis, in the Homeland Security Committee.

But Republicans have caved to the wishes of their allies in the chemical industry by crafting weak provisions that do not provide the security safeguards that are urgently needed to protect Americans.

The fact is, there are nightclubs in New York City that are harder to get into than some of our chemical plants. This bill fails to fix the problem.

This bill also does not contain a mandate that all of the cargo on passenger planes be screened before it is placed onboard.

An amendment I offered to require 100 percent cargo screening on passenger planes passed the House overwhelmingly three years ago as part of the Department of Homeland Security's spending bill. But the Bush administration ensured that the provision was deleted from the final version of the bill, and Republicans have blocked it ever since.

In addition, this bill fails to provide the resources needed to ensure that our airports have the equipment needed to detect explosives that may be hidden in bags bound for airliners.

Earlier this month, a nonpartisan report developed by experts from air carriers, airport operators, the Federal Government and contractors recommended that Congress should "continue Federal appropriations of at least \$435 million for purchase and installation of Explosive Detection Systems, escalating annually."

And what have Republicans in Congress decided is the appropriate funding level for the purchase and installation of explosive detection equipment at airports? About \$150 million, or roughly one-third the amount recommended by the experts.

This is another example of Republicans nickel-and-diming homeland security while writing a blank check for the War in Iraq.

The foiled London bombing plot last month shined a light on the Bush administration's bungling of the research, development and deployment of systems that can detect liquid explosives at airports.

In its final report card, the 9/11 Commission gave the Federal Government's checked bag screening capabilities a "D" and directed that "The TSA should expedite the installation of advanced (in-line) baggage screening equipment." But almost a year later, we're still far behind where we need to be.

This bill also does not address another aviation security weakness that leaves us vulnerable to a terrorist attack.

Specifically, the bill keeps in place an artificial cap that Republicans have placed on the number of airport screeners that can be hired. This is creating security challenges at our airports, as passenger traffic increases, and workers are expected to be on guard for a growing array of threats.

According to the bipartisan report released earlier this month "without adequate capital investment, screener staffing levels would have to increase significantly to maintain 100% electronic screening."

But we currently have the worst of both worlds: Republicans refuse to invest the needed funds in explosive detection equipment while they also cap the number of screeners regardless of security needs. This is a dangerous, wrong-headed policy that puts Americans at risk.

This bill also fails to sufficiently fund the Metropolitan Medical Response System, a vital program designed to limit casualties in the event of a major emergency, such as a nuclear attack or avian flu outbreak.

Clearly, our country needs a New Direction to ensure that security loopholes are closed and Americans are protected from terrorists determined to inflict another devastating attack on our country.

Republicans continue to ignore glaring loopholes such as porous security safeguards at chemical plants, failure to scan all the cargo on passenger planes, flawed checkpoint screening equipment, and the lack of enough TSA screeners.

As a result, Republicans are providing our nation with homeland insecurity, rather than the real security that Americans deserve.

I urge a "no" vote on this bill.

Mrs. LOWEY. Mr. Speaker, I rise in support of the Fiscal Year 2007 Homeland Security

Appropriations Conference Report. It includes several provisions that I authored in the Homeland Security and Appropriations Committees, including much-needed provisions to help first responders communicate.

More than two years ago, I proposed legislation to require the Department of Homeland Security to create a national interoperability strategy. It is time that we give our first responders the tools they need to adequately communicate with one another without having to use many of the same tactics as Paul Revere.

This strategy is long overdue. Ten years ago, the Public Safety Wireless Advisory Committee recommended that "unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost effective manner." Because of inadequate radios, 343 firefighters died while heroically rescuing thousands of workers at the World Trade Center on September 11th. Last year, communications failures exacerbated the poor response to Hurricane Katrina.

Amazingly, the Department has no real plan to solve the communications crisis and has not made the issue a priority. This bill will require it to complete a baseline study to assess current capabilities; create a resource plan; expedite voluntary consensus standards; set goals and time frames; identify obstacles; coordinate planning with other federal as well as state, local, and private sector partners; design backup systems in the event that primary systems fail; and verify manufacturers' claims that equipment meets certain standards.

Unfortunately, the conference report does not include my dedicated communications grant program. While it is imperative that we have a workable strategy, it can only be executed when local public safety agencies have funding to plan, design, implement, and maintain interoperable networks. In addition, the bill cuts funding for the major first responder grant programs, further delaying the progress that state and local governments should be making to increase communications capabilities.

Although the conference report is not perfect, I am pleased that conferees took the first step in adopting my interoperability strategy.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in support of the pending Conference Report, and thank the Chairman of the Homeland Security Appropriations Subcommittee, Mr. HAL ROGERS, for his work on this legislation.

I appreciate the fact that this bill includes important provisions that consolidate the Noble Training Center with the Center for Domestic Preparedness; establish a Homeland Security Education Program; and ensure financial accountability of the Secure Border Initiative, which is similar to a provision of my bill—H.R. 6162—that the House passed yesterday.

In addition, this bill includes funding to add 1,500 new Border Patrol agents. In 2004, Congress authorized 2,000 new agents be added each year. To date, the Border Patrol has added fewer than 2,000 new agents.

In May, the President announced that the Border Patrol will increase its ranks by 6,000 new agents by FY 2009. At the current pace, we will not meet this goal.

I look forward to working with Members of the Homeland Security Appropriations Subcommittee to ensure that the Border Patrol will be able to make the President's goal a reality.

While I support the overall Conference Report, I am deeply concerned with one provision included by the other body.

This provision would require that all instructors at the Federal Law Enforcement Training Center—referred to as FLET-C—be Federal employees.

This is a terrible provision that could prevent Federal law enforcement agencies—not just DHS—from being able to quickly and cost-effectively train their officers and agents. Particularly in emergency circumstances; like we experienced immediately after the 9-11 terrorist attack.

OMB Director Rob Portman wrote to Congress on September 6th regarding DHS Appropriations and expressed his serious concern that this provision is too restrictive.

He wrote that by preventing public-private competition, the provision—quote: “deprives the Department of the operational efficiencies to be gained by competition, and limits its ability to direct Federal resources to support other priorities.”

I have reviewed FLET-C's course list and find it indefensible that anyone would advocate that only a Federal employee can efficiently and effectively teach some of these courses.

For example why is it that only a Federal employee can teach “7 Habits of Highly Effective People,” or “Archeological Resources Protection,” or “Self Leadership Through Understanding Human Behavior?”

All of these are courses taught at FLET-C facilities. All of these courses could very easily be taught by a State or local government official, a college professor, or a professional from the private sector.

Since the terrorist attacks of September 11th, the need for FLET-C training has increased dramatically, and FLET-C is under significant strain to meet these needs.

Should an emergency arise tomorrow, I am certain that this provision will make it impossible for the Department to be able to meet any surge in demand for training that might arise.

I urge my colleagues to consider the serious ramifications of this provision, and join me in working to lift this ban in the future to ensure our Federal law enforcement agencies can meet all their training needs.

Mr. SOUDER. Mr. Speaker, I rise today in support of the conference report to H.R. 5441, the fiscal year 2007 Department of Homeland Security Appropriations Act. With this bill, the federal government takes important steps forward on securing our border and reforming the Federal Emergency Management Agency (FEMA).

It is heartening to see that Congress is beginning to wake up to the critical importance of a secure border. Indeed, this bill provides \$21.3 billion for border protection and immigration enforcement—nearly an 11 percent increase over last year—including \$5.2 billion for the department's Secure Border Initiative, the government's comprehensive multi-year plan to secure America's borders and reduce illegal migration through enhanced technology, infrastructure, and personnel. \$2.25 billion is provided for the addition of 1,500 new Border Patrol agents, bringing the total to 14,800, and

\$1.2 billion for border fencing, vehicle barriers, technology, and other infrastructure improvements.

H.R. 5441 also takes important steps to protect against the growing threat of border tunneling. Penalties for individuals who assist in the construction or financing on border tunnels will be subject to much harsher penalties—fines and imprisonment of up to 20 years. Anyone using a border tunnel to smuggle aliens, weapons, or other goods will be subject to a maximum term of imprisonment that is twice the punishment that would have applied had a tunnel not been used.

In addition, I am extremely pleased that the conference committee provided more than-expected funds to assist in the transfer of the Shadow Wolves from the Bureau of Customs and Border Protection (CBP) back to their logical home in Immigration and Customs Enforcement (ICE). The Shadow Wolves officers are Native Americans who combine modern technology with ancient tracking techniques to play a critical role in our government's counter-narcotics efforts along the 76 miles of border and 2.8 million acres within the Tohono O'odham Nation. When the Department of Homeland Security was originally created, the Shadow Wolves were placed under the control of the CBP. Unfortunately, however, the CBP's mission and methods were found to be notably unsuited to the ways of the Shadow Wolves, whose methods employ tracking smugglers more than merely defending a border line. This bureaucratic misjudgment has significantly hurt the Shadow Wolves' morale, causing their numbers to dwindle. Because of this situation, I appreciate the conferees' decision to provide \$3.1 million—a million more than in the House bill—for ICE to pay for the newly-transferred Shadow Wolves' salaries and other needs.

It is also important to note for our friends in Canada and Mexico that nothing in this bill should be misrepresented as changing our commitment to requiring a secure border ID.

As we require more secure IDs to get a driver's license, to vote, and to get a job within the U.S., you can be assured that we certainly will require one at the borders. Working together, we can maintain our important trade and tourism relationships while maintaining the security of our Nation.

Last, I am pleased that this conference report will enact important reforms to FEMA to help ward off some of the blatant examples of mismanagement seen in the aftermath of Hurricane Katrina. For example, this bill creates a smarter FEMA management structure by establishing 10 FEMA regional offices and regional directors with the ability to coordinate and direct the federal response in times of crisis, so that FEMA is not trying to manage future disasters from Washington. By putting FEMA on the ground where the crisis is occurring, regional directors will be able to coordinate more effective and timely responses. Also, each regional office will maintain a multi-agency regional strike team, with the ability to quickly respond to emergencies, and three national emergency response teams will be created in case rapid supplements to the regional teams are needed. Finally, while codifying the FEMA director's status as the principal advisor to the President and Secretary of Homeland Security, this bill refrains from establishing FEMA as an independent, cabinet-level agency—a misguided notion designed more to pla-

cate the media than institute meaningful reform.

Mr. Speaker, I commend Chairman ROGERS and the rest of the conferees for their hard work on this bill, and urge my colleagues to support it.

Mr. STARK. Mr. Speaker, I rise in opposition to the Department of Homeland Security (DHS) Appropriations Act (H.R. 5441) because \$35 billion is too high a price for failure. Hurricane Katrina provided a vivid and massive example of DHS' incompetence, but additional instances of incompetence are on almost daily display. Just this week, Secretary Chertoff announced with great fanfare a new risk-based port security program. Perhaps he knows something about the terrorists that we don't, because apparently they are more likely to target the ports in Burns Harbor, IN and Duluth, MN than Oakland, CA. Those ports received new funding while Oakland got nothing. The fourth-busiest port in the nation, the gateway to Asia, in the heart of a major metropolitan center and the high-technology headquarters of the country is apparently at no risk of a terrorist attack.

Another recent round of urban security grants cut funding by 40 percent for New York and Washington, DC, but increased it for Louisville and Omaha. The American people might also be interested to know that DHS' “National Asset Database,” which is used to determine how to allocate preparedness funding, lists Indiana as the state with the most potential terrorist targets. Supposedly, the Hoosier state has 8,591 targets compared to California's 3,212. The Amish Country Popcorn Factory in Berne, IN is on the list, but the Empire State Building is not. I couldn't make this stuff up.

The more DHS promises to improve and stop wasting money, the worse things get. Last year, more than half of contracts were awarded without a full competitive bidding process, compared to 19 percent in 2003. If it seems to you like the Katrina recovery is going awfully slow for how much money has been spent, perhaps you aren't considering the 2,000 sets of dog booties costing \$68,442; three portable shower units for \$71,170; 54 iPods worth \$7,000; 37 designer rain jackets for a Customs and Border Protection firing range that isn't used when it is raining; and a beer brewing kit for \$1,000 purchased by DHS staff.

This Homeland Security Appropriations bill does nothing to require stronger oversight or to stop the hemorrhaging of money to our least-vulnerable areas. The popcorn factory and petting zoo lobby will be happy, but I am disgusted, and I urge my colleagues to join me in voting no.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the conference report and the provisions dealing with chemical plant security.

I truly regret this issue is being debated in the context of an appropriations bill. As Chairman of one of this Body's two Committees of jurisdiction, I am committed to engaging the policy debate in the future on chemical plant security legislation.

Mr. Speaker, I have been astounded by the lack of real knowledge by some professed experts about the way that chemical plants are already regulated under existing Federal laws. When Congress resumes this debate in the next couple of years, it is essential that all interested persons know what their government

and the private sector are already doing before heaping an array of well-intentioned mandates on government and the private sector.

America does not become more secure by piling on more laws, it just become more regulated.

These provisions on chemical plant security are a step forward in making America more secure—and this is the only criterion by which I find myself supporting them. The legislation is far from perfect. However, it does establish, for the first time, an actual, and enforceable chemical plant security program for the whole Nation.

Let me highlight some key provisions:

First, this legislation requires chemical plants to conduct vulnerability assessments and site security plans. Similar steps have been required of other facilities by Congress and have passed without a dissenting vote.

Second, this legislation requires the Department of Homeland Security to develop risk-based, performance-based regulations for securing high risk chemical plants within the next six months. This provision includes a much wider scope of plant coverage than what the Senate spending bill contained and it also makes the critical distinction that not every chemical plant is created or operates equally, has the same risks, or is similarly vulnerable.

Third, this legislation allows the Department to approve chemical plant regimes that other public or private interests develop that meet the criteria in the Department's regulations. This is crucial because it allows parties that have already invested in protecting chemical plants from terrorist attacks to avoid having those costs stranded simply because they had the foresight and initiative to act before this legislation became law.

Fourth, this is legislation protects sensitive information. We must never make security-sensitive information about chemical plants' available to anyone for the asking, including terrorists. Information protections have been included in every homeland security related bill since 9-11 and there is no good policy reason to end that practice right now.

This provision does not shield any chemical plant from FOIA requests for emissions data under existing Federal environmental statutes; it merely covers vulnerability and security information. I hope we all support this necessary protection.

Fifth, this legislation keeps the Department focused on chemical plant security. Some people want to have the Department's mission diluted with extraneous tasks such as regulating chemical plant pollution, chemical plant manufacturing processes, or chemical plant workplace relations.

We must not dismiss the volumes of environmental and manufacturing laws and enforcement expertise at both the Environmental Protection Agency and the Occupational Safety and Health Administration, not to mention their state counterparts, so another Agency of the Federal government can get into the act.

Sixth, under the catch-phrase "inherently safer technologies" some want to vest in the Department of Homeland Security the power to regulate chemical feedstocks, processes, and products. One environmental protection agency is enough, Mr. Speaker. EPA has the authority and expertise it needs under the Safe Drinking Water Act, Toxic Substances Control Act, Clean Air Act, and other laws to protect our environment from harmful chemical exposure.

Let's let the Department of Homeland Security focus on protecting us from the threat of chemical terrorism so that our plants and communities are secure, and manufacturing facilities can continue to meet the needs of the American consumer, the American worker, and the American economy.

Seventh, this legislation distinguishes facilities that are already regulated by Federal law to prevent terrorism consequences. This includes drinking water and Maritime Transportation Security Act (MTSA) facilities. Some misread this distinction as meaning drinking water and maritime transportation facilities do not get protection. On the contrary, the protection from terrorism we've already given them is so good we don't want conflicting regulatory programs to interfere.

We don't want DHS, which is not an environmental or public health agency, setting de facto drinking water standards under the guise of security regulations. Both the Public Health Security and Bioterrorism Preparedness and Response Acts and presidential directives on homeland security place EPA in charge of drinking water facilities. Let's keep it there.

Eighth, this legislation requires DHS to audit and inspect chemical facilities to ensure compliance. Further, any facility not in compliance faces civil penalties and those facilities who do not obey an order to take corrective action face the prospect of being forced to cease operation. Considering its consequences for dedicated workers and its downstream impacts on interstate commerce, I trust this power would be used, if ever, only as a last resort.

Last, this legislation prevents private rights of action against the chemical facility solely as a means of private parties enforcing the security provisions in this section. This bar against third-party suits does not extend to any presently existing right a person might have under any other law. Simply, this provision prevents self-deputized persons from using the courts to enact national security policy.

Mr. Speaker, imperfect as the chemical security section is, it is better than current law and should make us a more secure nation. I urge all my colleagues to support its inclusion in this bill and adoption of the conference report.

Ms. LEE. Mr. Speaker, two years after the bipartisan 9/11 Commission gave the Republican led Congress and this Administration failing grades for their efforts to secure our nation, they are still failing the American public.

Take the issue of port security for example.

The Coast Guard has identified over \$7.3 billion in port security needs over the next decade, yet since 2002 we have barely provided \$900 million.

Four days ago the Homeland Security Department announced its latest round of port security grants and not one single penny was given to the Port of Oakland in my district, even though it is the fourth busiest container port in the country.

Instead of spending money to secure the Port of Oakland and all our nation's ports, we are spending nearly \$2 billion a week—over \$321 billion so far—to fight this unnecessary war in Iraq.

A war which our intelligence services are now telling us is spawning a whole new generation of terrorists and making us less safe.

Mr. Speaker, we should be spending taxpayer dollars to secure our nation, not to create new terrorists.

While I support the funding in this bill, I believe we need much more.

Democrats have proposed a new direction for America that delivers on our homeland security needs. It's time for a change, Mr. Speaker.

Mr. ORTIZ. Mr. Speaker, while this bill provides important funding that is very late in coming for our border security, there are still holes in the funding Congress has passed . . . and what the 9-11 Commission said was the least the Congress should do to combat the terrorist threat.

Let us use the Intelligence Reform bill that became law in December, 2004, as a benchmark of what this nation must do to try and control the security of our borders: the bill mandated 10,000 Border Patrol agents over 5 years (2,000 annually) and 40,000 detention beds over 5 years (8,000 annually).

Here is a compilation of all the funding bills the Congress has passed that have become law—including the bill passed today, laying out how many Border Patrol agents and how many detention beds we have actually funded: Emergency Supplemental in 2005 (Passed May 2005), 500 Border Patrol Agents, 1,950 Detention Beds; FY06 Homeland Security Conference Report (Passed October 2005), 1,000 Border Patrol Agents, 1,800 Detention Beds; Emergency Supplemental in 2006 (Passed June 2006), 1,000 Border Patrol Agents, 4,000 Detention Beds;

Add in what we are passing today:

FY07 Homeland Security Appropriations Bill, 1,500 Border Patrol Agents, 4,870 Detention Beds;

Our grand total of what we should have done according to the 9-11 Commission to date is: 4,000 Border Patrol Agents and 16,000 detention beds. While we are finally caught up on paying for the least the 9-11 Commission said we should do for Border Patrol agents, we are still 1,550 short on detention beds.

Never let it be said that we did the least we could do—this Congress is paying for less than what the 9-11 Commission said was the least we should do. And let me add that it took a national guilt trip and backlash to get this Congress to pay for the least amount of Border Patrol agents the 9-11 Commission demanded.

What has appalled so many of us is that DHS is releasing thousands of illegal immigrants into the general population of the U.S. because they simply do not have the detention space to hold them. These illegal immigrants—also referred to as OTMs (other than Mexicans)—are given what they call "walking papers" and are released on their own recognition with an order to appear at a deportation hearing weeks after their release.

In fact, they are asked where they are traveling to in order to give them a hearing near their final destination. Of course, they rarely return. This is hurting the morale of our U.S. Border Patrol Agents and it is a misguided process.

Because of "catch and release" the number of immigrants who have come across our borders has significantly increased. According to the April 2006 Department of Homeland Security Inspector General report here's what underfunding border security means: 774,112 illegal immigrants were apprehended during the past three years. Of those, 280,987—or 36 percent—were released largely due to a lack of personnel, bed space and funding.

Our willful neglect of our border security had galled our fellow citizens. As a political gesture, this Administration and this Congress want to build a wall and militarize the border? That's not what we need. We need to keep our promises to the American people and fund the promises we made.

We must send a clear message that when you cross our borders illegally, you will be caught and detained. I get our desperate fiscal situation. But compromising border security is not the way to trim the deficit.

At some point, this Congress must deal with the national security risks that remains with the very large number of OTMs released into the general population who are still unaccounted for. Funding the effort to locate all the released OTMs is going to make paying for the minimum number of agents and beds seem like child's play.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1062 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1062

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield

the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and attach tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, today, the Rules Committee met and reported a special rule for consideration of H.R. 5122, the fiscal year 2007 National Defense Authorization Act. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Mr. Speaker, I rise in support of the rule for H.R. 5122 and the underlying legislation. Today, we are at a critical juncture. The conference report for the fiscal year 2007 National Defense Authorization Act is before us. This legislative companion to the fiscal year 2007 defense appropriations bill authorizes and provides critical legislative language for full implementation of our defense policies.

Let us be clear: This is an excellent piece of legislation, a good bipartisan package that represents the best work of the House Armed Services Committee. Recognizing that, I would like to personally thank both the gentleman from California, Chairman HUNTER, and the gentleman from Missouri, Ranking Member SKELTON, for delivering a package that I am sure almost all of us can support.

Mr. Speaker, having served on the House Armed Services Committee and currently being a member on leave of absence from that committee, I know how closely the members of that committee work together to achieve a bill that is bipartisan, that is good for our servicemen and women and that is good for increasing the security of our country.

Mr. Speaker, this year, the Armed Services Committee produced a bill that contains several major legislative initiatives and funding impacts. Among them are an additional \$70 billion in supplemental bridge funding to support the war on terror's operations costs; personnel expenses and procurement of new equipment; additional funding for force protection needs in support of Operation Enduring Freedom and Operation Iraqi Freedom, including up-armored Humvees, Humvee IED protection kits and gunner protection kits, IED jammers and state-of-the-art body armor; a 2.2 percent pay raise for all members of our Armed Forces; and an increase of 30,000 personnel for the Army and 5,000 personnel

for the Marine Corps to help them sustain their required missions.

□ 1600

The bill blocks the Department of Defense proposed TRICARE Prime, Standard, and Select Reserve fee increases. The bill authorizes grants and loan guarantees to U.S. shipyards to approve their efficiency, cost effectiveness, and international competitiveness. The bill fully funds the immediate Army and Marine Corps shortfalls for replenishing supplies and replacing equipment in the amount of \$17.1 billion for the Army and \$5.7 billion for the Marines.

Mr. Speaker, more importantly this legislation directly supports our servicemen and -women in the field and on deployment. Operations in Iraq and Afghanistan are dependent on us passing this legislation that contains so many changes in legislative language.

Mr. Speaker, a bumper sticker we often read says: "I support our troops." Today we have that opportunity and responsibility. We could support our troops and improve the security of our Nation in a way that other Americans cannot. We can offer our vote in support of this legislation as 60 of 61 members of the House Armed Services Committee did when they initially passed the bill.

This is not a controversial proposition. This is something we should be proud to do, regardless of our perspectives and different positions on the war in Iraq. All of us are proud of our troops. All of us are committed to them and commend them for their courage and their professionalism, and all of us will do everything we can to increase their safety and effectiveness.

Mr. Speaker, I would be remiss if I did not also note that the Afghan and the Iraqi people also deserve to be commended for their efforts in our common struggle. During this war, the citizens of both these countries have held elections, written constitutions, and formed permanent governments. Afghan and Iraqi citizens are watching what we do here today. They require and request our continued support as they move forward in their efforts to build new and better countries. The passage of this rule and underlying legislation is an important sign that this country and Congress will keep its commitments. Afghanistan and Iraq are striving to create a future of hope and promise. We can play an important role in helping them do that here today.

Mr. Speaker, many may wish to raise policy issues in this debate. Some may want to discuss issues that, however important, are superfluous to providing for the needs of our men and women in uniform. And I welcome that exchange, if indeed it occurs.

Mr. Speaker, I believe we should focus on what should count. We have committed hundreds of thousands of our service men and -women to fight terrorism and advance the cause of